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REMARKS

Prior to the Amendment, claims 3-25 were pending. Claims 1-2 have been canceled previously. By this Amendment, claims 6-8, 12-14, 18-20 and 24-25 have been canceled, and claims 3, 9-11, 15, and 21 have been amended. Accordingly, claims 3-5, 9-11, 15-17 and 21-23 remain pending, of which claims 3, 15 and 21 are independent. No new matter has been introduced in the amendments, as described hereinbelow.

To remove duplicate claims, Applicants have cancelled claims 12 and 13.

The recitation of the R_3 group of structural formula I in claim 3, R_5 group of structural formula 1 in claim 15, R_5 group of structural formula 3 in claim 15, and R_5 group of structural formula 1 in claim 21 has been amended as follows, namely: (a) the replacement of the term "phenyl" with "thiophenyl;" (b) the insertion of the phrase "or furyl" after the term "thiophenyl;" and (c) the deletion of the phrase "or an aromatic group selected from the group...heterocyclic groups." Support for these amendments is found in the specification, at least, at page 5 and Examples 48, 62, 75, 78, 84-86, 92, 95, 99-107, 109-114, 120 and 123-124.

In addition, the substituents of the R_3 group of structural formula I in claim 3, R_6 group of structural formula 1 in claim 15, R_5 group of structural formula 3 in claim 15, and R_6 group of structural formula 1 in claim 21 now include a "formyl group" and "an acetyl group" but exclude an "acyl group." Support for these amendments is found in the specification, at least, at page 6, lines 6-7.

Furthermore, Applicants have amended claims 9-11 by replacing the term "agent" with the term "composition" and corrected the misspelling of the term "substituents."

Based on the foregoing remarks, Applicants earnestly request that the Examiner enter these amendments.

Rejections Under 35 U.S.C. § 112 (Second Paragraph)

At page 2 of the Office Action, the Examiner rejected claims 3-25 under section 112, second paragraph. In particular, the Examiner contended that the specification fails "to

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particularly point out and distinctly claim the subject matter which Applicant regards as the invention." Applicants respectfully traverse this rejection at least for the following reasons.

To provide clarity in claims 9-11, the term "agent" has been replaced by the term "composition," as proposed by the Examiner. Applicants have cancelled claims 12-14.

The term "acyl" group in claims 3-25 has been substituted with the terms "formyl" and "acetyl."

The amendment of these claims has rendered the above §112, 2nd paragraph rejection moot. Accordingly, Applicants respectfully request that the Examiner reconsider and withdraw the rejection of claims 3-25 based on section 112, 2nd paragraph.

Rejection Under 35 U.S.C. § 102(b)

On page 3 of the Office Action, the Examiner rejected claims 3-6 and 9-13, under 35 U.S.C. § 102(b), as being anticipated by Chu *et al.* (WO 96/39407 hereinafter "Chu"). Applicants respectfully traverse this rejection at least for the following reasons.

To overcome the rejection, Applicants have amended independent claim 3 wherein the R₃ group of the claimed compound is a thiophenyl or furyl group. In view of the amendment to claim 3, Applicants respectfully submit that Chu fails to teach or suggest an anti-bacterial compound wherein its R₃ group is represented by either a thiophenyl or furyl group. In fact, in Chu's description at page 2, line 20 – page 4, line 19, an R₃ group is neither taught nor suggested. Moreover, in Chu's subformula (Ib), wherein R₃₁ is defined as – (CH₂)_qR₃₂, the R₃₂ of which is an –S– or an –O– and q is 1, 2 or 3 (see Chu at page 4, ll. 16-18), which when applied to Chu's subformula (Ib) would produce the following sequence: –CH₂–S– or CH₂–O–. As shown, the R₃₁ group is a non-aromatic group, contrary to what is being claimed by the present invention.

In addition to the amendment of claim 3, Applicants have cancelled claims 6 and 12 and revised claims 9-11 to overcome the above-mentioned indefiniteness rejection.

Based on the above reasons and claim amendments, Applicants respectfully submit that Chu fails to disclose or suggest the compound according to the instantly claimed

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invention. Independent claim 3, as well as its dependent claims 4-5 and 9-11, is not anticipated by Chu. Accordingly, Applicants respectfully request that the Examiner reconsider and withdraw the above-mentioned § 102(b) rejection of claims 3-6 and 9-13.

Rejection Under 35 U.S.C. § 103(a)

On pages 3-4 of the Office Action, the Examiner rejected claims 3-13 as being obvious over Chu, as cited in the Office Action. Applicants respectfully traverse the rejection at least for the following reasons.

As discussed above, claim 3 has been amended such that the R₃ group of the claimed compound is a thiophenyl or furyl group, the disclosure of which is not taught or suggested by Chu. In addition, Applicants have cancelled claims 6, 12 and 13, the rejection of which is rendered moot.

Based on the foregoing remarks and claim amendments, Applicants respectfully submit that Chu fails to teach or suggest the use of the claimed anti-bacterial compound wherein its R₃ is represented by either a thiophenyl or a furyl group. In addition, independent claims 3, as well as its dependent claim 4-5 and 9-11, is patentable over Chu. Accordingly, Applicants respectfully submit that the Office Action has failed to establish a *prima facie* case of obviousness. See MPEP § 2143.03 ("To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art"). Applicants earnestly request the Examiner to reconsider and withdraw the rejection of claims 3-13 under 35 U.S.C. § 103(a).

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CONCLUSION

For at least the reasons set forth above, Applicants respectfully submit that this application is in condition for allowance. Favorable consideration and prompt allowance of claims 3-5, 9-11, 15-17 and 21-23 are earnestly requested. A fee for extension of time for three (3) months is due for filing this response. The Commissioner is hereby authorized to charge any payment deficiency to Deposit Account No. 19-2380 referring to Attorney Docket Number 741440-000058.

Should the Examiner believe that anything further is desired in order to place the application in even better condition for allowance, the Examiner is invited to contact Applicants' undersigned representative at the telephone number listed below.

Respectfully submitted,

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38,434Date: October 6, 2006

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